1 MARIO P. LOVATO Nevada Bar No. 7427 2 LOVATO LAW FIRM, P.C. 7465 W. Lake Mead Blvd. Ste. 100 3 Las Vegas, Nevada 89128 T: (702) 979-9047 4 mpl@lovatolaw.com Attorney for Defendants 5 UNITED STATES DISTRICT COURT 6 DISTRICT OF NEVADA 7 MICHAEL RENO, CASE NO. 2:18-CV-840-APG-NJK 8 Plaintiff, 9 vs. 10 WESTERN CAB COMPANY, HELEN TOBMAN MARTIN, MARILYN 11 TOBMAN MORAN, JANIE TOBMAN MOORE, MARTHA SARVER, and 12 JASON AWAD. 13 Defendants. 14 **DEFENDANTS' MOTION FOR TO EXTEND** 15 Defendants, through their current counsel, move to extend the deadline to file the 16 17

Defendants, through their current counsel, move to extend the deadline to file the response to Plaintiffs' "Motion to Supplement ECF 11 and for an Order Confirming Jurisdiction Over All Related State Law Claims or Suitable Alternative Relief" (#57) by three court days, such that the new deadline shall be **November 19, 2018**. In support of this motion, Defendants state the following.

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Defense counsel first entered the case on behalf on behalf of Defendant Jason Awad after Plaintiffs filed an amended complaint adding him to the case. Plaintiffs' counsel, and prior counsel for the other Defendants, other have already submitted and filed motion practice regarding Plaintiff's Motion (#11) regarding circulation of a notice regarding FLSA claims. Current defense counsel was not involved in such motion practice or the response thereto.

Recently, current defense counsel substituted-in (#54) as counsel for the prior party-Defendants (i.e. those other than Defendant Jason Awad), to which Plaintiffs and their counsel

 Motion to Supplement (#57).

have recently responded by filing the current "Motion to Supplement" (#57). Such Motion to Supplement requires review of Plaintiffs' Motion (#11), as well as prior defense counsel's responsive filings. Plaintiffs' current Motion to Supplement seeks, inter alia, to expand Plaintiffs' requested relief for notice so as to include relief on a state-law based class claim basis despite prior state court litigation that resulted in denial of Plaintiffs' motion for class certification. See Motion (#57) (acknowledging same). Plaintiffs do not appear to have filed a motion to certify class and/or a motion for conditional certification of FLSA action in this case despite seeking permission to circulate notices, including the class-wide notices sought by the

Plaintiffs' current Motion to Supplement (#57) cites numerous cases, which require review. Current defense counsel has litigated prior cases with Plaintiffs' counsel. Plaintiffs' lengthy case citations in the Motion to Supplement require research and review for purposes of drafting the responsive brief. In addition, the recent Veterans' Day holiday has reduced the usual period during which to respond. A short extension of only three court days will not unduly, or significantly, prejudice the parties in litigating the motion or the case in general.

Defendants request an additional three court days to finalize and file their responsive brief. On today's date, defense counsel drafted and revised a motion brief in another case. An additional three days will allow the issues raised by Plaintiffs' motion to be heard on the merits and in a manner conducive to orderly litigation of the claims.

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Accordingly, Defendants request a three-day extension of the deadline to file the response to Plaintiffs' Motion to Supplement (#57) such that the deadline shall be November 19, . DATED: November 14, 2018. LOVATO LAW FIRM, P.C. Mario Lovato MARIO P. LOVATO Nevada Bar No. 7427 Attorney for Defendants **ORDER** IT IS SO ORDERED. Dated: November 15, 2018. UNITED STATES DISTRICT JUDGE 

## **CERTIFICATE OF SERVICE** IT IS HEREBY CERTIFIED that, on November 14, 2018, a copy of the above and foregoing **DEFENDANTS' MOTION FOR TO EXTEND** was served via the Court's system of electronic service upon all those registered for such service in the above-referenced case, including: Leon Greenberg Dana Sniegocki Leon Greenberg P.C. 2965 S. Jones Blvd. Ste. E3 Las Vegas, NV 89146 /s/ Mario Lovato An employee of Lovato Law Firm, P.C.